



Plan and Zoning Commission  
Staff Report

Meeting Date: September 7, 2010

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**Agenda Item:** 405 SE Frisk Drive – Sketch Plan and Waiver of Required Public Infrastructure  
**Report Date:** August 30, 2010  
**Prepared by:** Eric C. Jensen, AICP  
Assistant Director

**Staff Recommendation:**

That the Plan and Zoning Commission recommend City Council approve the 405 SE Frisk Drive Sketch Plan; and

That the Plan and Zoning Commission recommend denial of the request to waive the requirement to install public infrastructure per the Municipal Code.

**Site History:**

In October, 1974, the subject site was voluntarily annexed into the City of Ankeny by previous owners Clark and Eula Baughman.

On June 19, 1989, the City Council granted a request for a waiver of platting by the current property owner, Robert Terrell, to allow the split of a seven acre parcel at this location into two lots – the subject site and the approximately three acre parcel to the east. This waiver allowed for the construction of a single family detached home on each lot.

**Project Summary:**

The applicant, Dean Bell, with consent of the property owner, Robert Terrell, would like to construct a single family home on a property east of Interstate 35 and south of East First Street on the east side of SE Frisk Drive. The 405 SE Frisk Drive Sketch Plan illustrates subdivision of the existing lot into two lots to provide an additional one acre residential lot.

The applicant has also requested a waiver to the following developer responsibilities: pave and improve SE Frisk Drive, install street lights, install sidewalk, install and connect to City water, install and connect to City sanitary sewer, and park land dedication.

**Project Report:**

The subject property is located within the Ankeny City limits, on the east side of SE Frisk Drive, approximately 1,500 feet south of East First Street. The subject site as well as the property to the east, south and west is zoned R-1 (One-Family Residence District). The property to the north of the subject site is currently in unincorporated Polk County and zoned LDR (Low Density Residential). The subject site is identified for Low Density Residential Uses on the Future Land Use Map of the 2010 Ankeny Comprehensive Plan.

The highlighted 300 foot by 150 foot lot on the attached Sketch Plan drawing is proposed to be subdivided from the existing parcel and utilized for immediate development of a single family home. The Sketch Plan illustrates the developer responsibilities required at the time of platting of the proposed lot. In the letter provided, the applicant is requesting a waiver to the following developer responsibilities: pave and improve SE Frisk Drive, install street lights, install sidewalk, install and connect to City water, install and connect to City sanitary sewer, and parkland dedication. These items are further discussed below.

### ***Streets***

At this time SE Frisk Drive is a gravel road. Pursuant to Section 200.31 and 200.38.2 of the Municipal Code and established City policy, subdivision of the subject parcel will require the improvement of SE Frisk Drive by the developer to City street standards from East First Street to the southern boundary of the subject site. The applicant is requesting a waiver to this requirement. SE Frisk Drive is planned to be a Minor Collector roadway with 31 feet of paving in 70 feet of right of way and will include curb, gutter, street lights and sidewalk. Paving of this street is currently not in the five-year Capital Improvements Plan and would typically be improved through the private development process.

### ***Water***

The applicant is requesting a waiver to the requirement that each lot be provided public water service. The existing home on the lot is currently served by a private on-site well and the applicant is proposing water service by connecting to the existing well. Pursuant to Sections 200.38.3 and 200.38.4 of the Municipal Code and established City policy, all new lots must be provided a connection to the Municipal water system in accordance with standards and procedures of the Municipal Water Department. This requirement is not only for the provision of public water service, but also to provide effective fire protection to the neighborhood. The nearest water main is located approximately 1,500 feet to the north at the corner of SE Frisk Drive and East First Street. Subdivision of this property will require an extension of a water main from the existing water main to the southern boundary of the subject site. The extension of this main is not presently in the five-year Capital Improvement Plan, and would typically be improved through the private development process.

### ***Sanitary Sewer***

The applicant is requesting a waiver to the requirement that each lot be provided public sanitary sewer service. The existing home on the lot is currently served by a private septic sewer system and the applicant is proposing that the new lot will be served by a newly installed private septic sewer system. Section 200.38.4 of the Municipal Code requires that all lots proposed for subdivision will be provided access to sanitary sewer service. Current City policy prohibits the installation of any new private septic sewer systems. This area is planned to be served by a sewer extension of the SE Four Mile Drive Trunk Sewer. This trunk sewer is presently extended to the northern plat boundary of the Clover Ridge West subdivision, approximately 5,500 feet to the south. The extension of this trunk sewer is not presently in the five-year Capital Improvement Plan, and would typically be improved through the private development process.

## ***Park Land***

Section 200.35 of the Municipal Code requires public park land or money in lieu of park land to be dedicated with each residential subdivision. The intent of this requirement is to insure that land is properly located and preserved for use by the public for park and recreational purposes in accordance with future community growth; and to further insure that the cost of providing park and recreational sites and facilities necessary to serve the additional residents may be most equitably apportioned on the basis of the additional public requirements created by such subdivision. Based on the calculations outlined in the Municipal Code, the applicant would be required to provide approximately 0.11 acres of public park land dedication. Pursuant to Section 20.35 of the Municipal Code, when the dedication of land is not compatible with the general subdivision plan of the developer or is not consistent with the future park plan of the City as outlined in the 2010 Ankeny Comprehensive Plan and the 2007 Ankeny Parks and Facilities Plan, the property owner/developer may pay to the City a cash payment in lieu of public park land dedication. The money that is paid in lieu of public park land dedication is placed in a fund by the City and is used solely for the acquisition and or development of park and recreational lands to serve the residents of the City. For the proposed subdivision, the applicant would be required to pay approximately \$1,296 in lieu of public park land dedication. The applicant is requesting a waiver to the park land dedication requirement.

## **Process:**

The Plan and Zoning Commission has not been presented with many requests for waivers from the Subdivision Regulations, therefore staff is providing a brief summary of the process for such a request. The applicant is requesting approval of two items; 1.) a Sketch Plan; and, 2.) a waiver to several sections of the Subdivision Regulations regarding the installation of public improvements and dedication of public park land.

Generally speaking, a Sketch Plan is similar to a Preliminary Plat and is intended to reflect the general intention of the developer with regard to the layout of lots, streets and utilities. Upon approval of a Sketch Plan a developer then submits Construction Drawings for all public improvements (if the requirement for the improvements is not waived) to be reviewed and approved by City Staff and a Final Plat drawing to be approved by the City Council after review and recommendation by the Plan and Zoning Commission. Should the requirement for the public improvements be waived, the Construction Drawings would not be required and only a Final Plat would be processed.

Pursuant to Section 200.10.3 of the Municipal Code, waivers of the Subdivision Regulations may only be granted by the affirmative vote of two-thirds of the members of the Plan and Zoning Commission. The City Council may only approve the requested waivers upon recommendation by the Commission. Therefore, should the Commission not approve the waiver request by a two-thirds vote, the request is denied.

## **Summary:**

The applicant is requesting approval of a Sketch Plan to subdivide the existing parcel into two lots to allow for the construction of a single family home. The applicant is also requesting waivers to the Subdivision Regulations requirements for the installation of public infrastructure and the dedication of public park land. City staff believes that the Sketch Plan drawing, as submitted, meets the requirements for approval and therefore staff is requesting approval. Staff does not support the requested waivers to the Subdivision Regulations, for the reasons outlined below.

The Subdivision Regulations were adopted to establish a minimum set of standards for the design and development of all new subdivisions in order to eliminate “piecemeal” planning of subdivisions which results in an undesirable disconnected patchwork of pattern and infrastructure. The Subdivision Regulations help to establish an orderly progression of development, minimizing premature or “leapfrog” development of property throughout the community. Generally speaking, waiver of any of the Subdivision Regulations could result in poorly planned, piecemeal and inefficient development that is not in the best interest of the community as a whole.

Furthermore, granting the requested waivers could establish a precedent that would allow for more similar requests to be presented to the City. Continual granting of waivers to the Subdivision Regulations could ultimately undermine the value of the Regulations.

Finally, cities routinely face opposition to orderly urban development from owners of large lot single family homes around the perimeter of their communities. These property owners are typically concerned with increased urbanization and its impacts. Allowing the continual development of large lot single family homes around the perimeter of the Ankeny Corporate Limits could become an obstacle to future orderly urban development. Requiring installation of the public infrastructure helps to ensure orderly development and minimize the creation of opponents to such development.

Therefore, on the surface it seems that granting the requested waivers to allow the creation of one additional single family lot would have minimal impact on the area and the community, however, for the reasons outlined above, City staff does not believe that the waivers should be granted and recommends denial.